

REMARKS/ARGUMENTS

Claim Rejections Under 35 U.S.C. § 102

Claims 2-4, 7, 12-16, 19, 24-26, and 29 are rejected under 35 U.S.C. § 102(e) as being anticipated by Lautzenheiser et al (U.S. Patent No. 6,023,572).

Claims 2, 14, and 24 have been amended to include the recitation of “connecting the second informational database to the first informational database such that when the at least one objective is altered, the at least one project is automatically updated to reflect the alteration to the at least one objective.” The Lautzenheiser patent does not disclose this aspect of the invention. Lautzenheiser is directed to a system and method for modeling activities of people in an organization. Lautzenheiser does not disclose a method for interconnecting multiple sections of an organization, as described in the present invention. Lautzenheiser simply describes a flow chart of how the organization works. It does not describe the actual functioning, and interconnections, of an organization.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 5, 6, 8-11, 17, 18, 20-23, 27, 28, and 30-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lautzenheiser et al (U.S. Patent Number 6,023,572), in view of Stuart (U.S. Patent Number 6,466,935).

Claim 1

Lautzenheiser Doesn't Teach Interconnecting Sections of an Organization

Prima facie case of obviousness not established--Through the decisions of the CCPA and the Court of Appeals for the Federal Circuit, certain well-established principles of claim

construction and review have been developed. If these principles are not met, a prima facie case of obviousness under 35 U.S.C. § 103 has not been established and the claim in issue should be allowed. The undersigned respectfully suggests that these tests are not met by the prior art in this case and a prima facie case of obviousness has not been established. These tests will be briefly applied to the individual claims rejected by the proposed combination.

There must be basis for the combination--The references themselves must suggest the combination proposed in the Office Action. Neither the Lautzenheiser reference nor the Stuart reference propose a combination that would encompass the invention as described in Amended Claim 1. Lautzenheiser is basically a flow chart of the various departments of an organization and Stuart is a method for controlling a manufacturing process. There is no suggestion to combine a flow chart with a quality control process to obtain a method for interconnecting multiple sections of an organization as described in Amended Claim 1. Neither reference suggests “connecting the at least one team project to the at least one objective, such that when the at least one objective is altered, the at least one team project is automatically updated to reflect the alteration to the at least one objective,” or “connecting the at least one task to the at least one team project, such that when the at least one team project is altered, the at least one task is automatically updated to reflect the alteration to the at least one team project,” as recited in Amended Claim 1. Therefore, there is no suggestion in either reference of the combination proposed in the Office Action.

Obviousness to try and modification or combination of references is not the standard--The Examiner is not only combining references but he is also modifying them without any support for doing so. In order to obtain the present invention, the Examiner is improperly modifying and/or Stuart, since neither reference recites “assigning at least one task based on the at least one team project.” The only reference to tasks in Lautzenheiser is in Figure 7, and col. 6, lines 29-32, “The project planning process 212 includes an analysis process 402, a plan review process 404, a task organization and resources allocation process 406, and a constraint generation process 408.” This does not describe the actual assignment of a task by the process. As mentioned previously, Lautzenheiser is only a flow chart of the organization and its processes. A prima facie case of obviousness is not made out when two references are improperly combined and then modified further to meet the limitations of the claim in issue.

All claim limitations must be considered--35 U.S.C. § 103 requires that the subject matter as a whole be reviewed. There are certain limitations of claim 1 which are still not shown in the combination proposed by the Examiner. For example, “connecting the at least one team project to the at least one objective, such that when the at least one objective is altered, the at least one team project is automatically updated to reflect the alteration to the at least one objective,” “assigning at least one task based on the at least one team project,” and “connecting the at least one task to the at least one team project, such that when the at least one team project is altered, the at least one task is automatically updated to reflect the alteration to the at least one

team project,” are not described in either reference. According to 35 U.S.C. § 103, it must be considered and given proper weight if the correct result is to be reached.

The arguments made with respect to claim 1 apply equally to claims 5, 6, 8-10, 17, 18, 20-22, 27, 28, and 30-32, and are hereby incorporated by reference.

Claim 11

Lautzenheiser Doesn't Teach Claim 11

Prima facie case of obviousness not established--Through the decisions of the CCPA and the Court of Appeals for the Federal Circuit, certain well-established principles of claim construction and review have been developed. If these principles are not met, a prima facie case of obviousness under 35 U.S.C. § 103 has not been established and the claim in issue should be allowed. The undersigned respectfully suggests that these tests are not met by the prior art in this case and a prima facie case of obviousness has not been established. These tests will be briefly applied to the individual claims rejected by the proposed combination.

There must be basis for the combination--The references themselves must suggest the combination proposed in the Office Action. Neither the Lautzenheiser reference nor the Stuart reference propose a combination that would encompass the invention as described in Claim 11. Lautzenheiser is basically a flow chart of the various departments of an organization and Stuart is a method for controlling a manufacturing process. There is no suggestion to combine a flow

chart with a quality control process to obtain a method for developing critical measures, evaluation criteria, and basic roles as described in Claim 11. Neither reference suggests “developing critical measures associated with the first informational database, developing evaluation criteria and deliverables for the second informational database, or developing basic roles for the third informational database,” as recited in Claim 11. Therefore, there is no suggestion in either reference of the combination proposed in the Office Action.

Obviousness to try and modification or combination of references is not the standard--The Examiner is not only combining references but he is also modifying them without any support for doing so. In order to obtain the present invention, the Examiner is improperly modifying and/or Stuart, since neither reference recites “developing critical measures associated with the first informational database, developing evaluation criteria and deliverables for the second informational database, or developing basic roles for the third informational database.” Nowhere in Figures 14-16 of Lautzenheiser is there described a process for developing a list of a few critical performance measure targets that need to be achieved for the short and long term success of the organization. A prima facie case of obviousness is not made out when two references are improperly combined and then modified further to meet the limitations of the claim in issue.

All claim limitations must be considered--35 U.S.C. § 103 requires that the subject matter as a whole be reviewed. There are certain limitations of claim 11 which are still not

shown in the combination proposed by the Examiner. For example, “developing critical measures,” are not described in either reference. According to 35 U.S.C. § 103, it must be considered and given proper weight if the correct result is to be reached.

The arguments made with respect to claim 11 apply equally to claims 23 and 33, and are hereby incorporated by reference.

CONCLUSION

Applicant now believes that this amendment complies with 37 CFR § 1.121 and thus requests examination of this Amendment. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BROUSE MCDOWELL

October 8, 2003
Date

Telephone No.: (330) 535-5711
Fax No.: (330) 253-8601

Heather M. Barnes
Heather M. Barnes, Esq.
Reg. No. 44,022
500 First National Tower
106 S. Main Street
Akron, Ohio 44308-1471